**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN**

**WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929**

**WP(C).No. 7218 of 2007(H)**
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**PETITIONER:**
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**SUDHEESH K.U., S/O UNNI,**
**KUMBALA PARAMBIL HOUSE, IRINJALAKUDA VILLAGE,**
**MUKUNDAPURAM TALUK, TRISSUR DISTRICT.**

**BY ADV. SRI.RAJESH CHAKYAT.**

**RESPONDENTS:**
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1. **THE IRINJALAKUDA TOWN CO-OPERATIVE BANK LTD., IRINJALAKUDA, TRISSUR DISTRICT, REP. BY ITS SECRETARY.**

2. **THE ASST. REGISTRAR OF CO-OPERATIVE SOCIETY(GENERAL) OFFICE MUKUNDAPURAM, IRINJALAKUDA.**

**BY GOVT. PLEADER SMT. M.K. PUSHPALATHA FOR R2,**
**ADV. SRI.N.P.SAMUEL FOR R1.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C). NO.7218/2007-H:**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P.1: COPIES OF THE RECEIPTS DTD. 05/11/2003, 10/12/2003, 01/07/2004, 28/09/2004.**

**EXT.P.2: COPY OF THE AWARD IN ARC.4097/2006 DTD. 19/09/06.**

**EXT.P.3: COPY OF THE DEMAND NOTICE IN E.P. 3628/2006 DTD. 22/02/2007.**

**EXT.P.4: COPY OF THE REPRESENTATION DTD. 27/02/2007.**

**RESPONDENT'S EXHIBITS: NIL.**

**//TRUE COPY//**

**prv.**

**THOTTATHIL B.RADHAKRISHNAN, J.**

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W.P(C).No.7218 OF 2007

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Dated this the 14th day of November, 2007

**JUDGMENT**

There is an arbitration award against the petitioner under the Kerala Co-operative Societies Act, 1969. That has become final. There is, therefore, no jurisdictional error or legal infirmity in the impugned recovery proceedings.

2. In the aforesaid circumstances, learned counsel for the petitioner made a request that the petitioner may be permitted to pay off the remaining understandings in instalments .

In the result, this writ petition is disposed of directing that if the petitioner remits the entire outstandings in five equal monthly instalments, payable on or before the 20th of every month commencing from December, 2007, distress action following the impugned demand shall stand dropped. It is clarified that the time limit fixed for payment shall be treated as peremptory and in case of default of payment of instalments as

aforesaid, the benefit of this judgment shall stand recalled automatically and the distress action shall follow.

Sd/-

**THOTTATHIL B.RADHAKRISHNAN,**
**Judge**

kkb.